

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 05-cr-203-01-PB

Daniel Childs

ORDER

Re: Document No. , Motion for Clarification

RULING: Granted. I was not informed of the defendant's filing and instead assumed that he intended to waive his right to contest all of the elements of the charge arising from the second robbery except the allegation that he acted with intimidation. Severance would be warranted under those circumstances because the first robbery would not be relevant to the intimidation issue. However, as I explained during the hearing on the motion to sever, evidence of the first robbery would be admissible in a trial of the second robbery if the government is required to prove all of the elements of the charge. Since the defendant intends to require government to prove all of the elements of the second robbery charge, evidence of the first robbery will be admissible in the trial of the second robbery charge. Thus, severance of the first and second robbery charges will not spare the defendant from unfair prejudice. My order severing the charges is vacated and the motion to sever is denied.

/s/ Paul Barbadoro
Paul Barbadoro
U.S. District Judge

Date: 2/23/06

cc: Robert Veiga, Esq.
Bjorn Lange, Esq.
US Probation